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## Appeals Court Approves Search at Scientology Church

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The U.S. Court of Appeals has upheld the legality of a government search warrant used last summer to seize hundreds of documents during a raid on the Founding Church of Scientology here.

The court's action, which overturns a lower court finding that the warrant was unconstitutional, opens the way for the continuation of a grand jury probe into allegations the church conspired to infiltrate such agencies as the Justice Department and the Internal Revenue Service in order to steal confidential documents through break-ins and other means, and, in one case, to bug a high-level IRS staff meeting.

The appeals panel of U.S. Circuit Judges Roger Robb and George E. MacKinnon and Chief Customs and Patents Appeals Judge Howard T. Markey unanimously ruled that District Chief Judge William B. Bryant

was wrong in finding the 35-page search warrant unconstitutionally broad.

BRYANT'S JULY 27 ruling followed simultaneous raids July 8 on the Founding Church at 2521 S St. NW and church headquarters in Los Angeles. Since Bryant's decision, two boxes of documents taken here have been under court seal, but the appeals court ordered them returned to the government immediately so that grand jury proceedings can continue.

In their motions before Bryant, church attorneys raised a number of objections to the raid, but Bryant chose to rule only on the issue of whether the warrant was too general under the Fourth Amendment guarantee against unreasonable search and seizure.

Hugh Wilhere, a church spokesman, said yesterday the church will appeal today's opinion and also will ask Bryant to rule on the other

issues, which include the propriety of the way FBI agents carried out the search; whether all the documents seized were within the scope of the search; and whether the information on which the warrant was based was too old to be valid.

In California, a federal judge also sealed a more voluminous collection of Scientology documents taken there because, he said, he was compelled to follow Bryant's ruling. A government attorney said the government will now move to have those documents released as well.

IN ITS 13-PAGE opinion, the appeals court said that it made a " cursory " examination of the documents taken here and noted that they included " apparently original documents from the Internal Revenue Service " and " copies of Central Intelligence Agency documents marked " secret " . "

In his July ruling, Bryant had called the last section of an otherwise highly detailed warrant a " wild card " because it referred to " any and all . . . evidence at this time unknown of the crimes of conspiracy, obstruction of justice and theft of government property. " Bryant said the warrant " permitted seizure of anything at all. "

The appeals court, however, said Bryant overlooked the rest of the section in question: " which facts recited in the accompanying affidavit make out. " This phrase, the court said, brought the warrant into compliance with the latest Supreme Court ruling.

The search warrant was based on evidence given to the FBI by Michael Meisner, a former top church official who admitted taking part in break-ins at the U.S. attorney's office here. Meisner, according to an FBI affidavit, had escaped " house arrest " in the church's Los Angeles headquarters in order to turn himself in here and tell his story.